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AMENDING SECTIONS 8-529, 8-530, 8-803 AND 8-809, ARIZONA REVISED STATUTES;
AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 8-809.01; RELATING TO CHILD WELFARE.

AN ACT

CHAPTER 157
SENATE BILL 1186

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

House Engrossed Senate Bill
foster care; children; parents; rights

Be it enacted by the Legislature of the State of Arizona:
Section 1. Section 8-529, Arizona Revised Statutes, is amended to read:
8-529. Children in foster care and kinship foster care:
A. A child in foster CARE AND KINSHIP FOSTER care has the following rights:
1. To appropriate care and treatment in the least restrictive setting available that can meet the child's needs according to the best judgment of the foster parent.
2. To live in a safe, healthy and comfortable placement where the child can receive reasonable protection from harm and appropriate privacy for personal needs and where the child is treated with respect.
3. TO BE PLACED WITH A RELATIVE WHEN SUCH PLACEMENT IS IN THE BEST INTEREST OF THE CHILD.
4. TO BE PLACED WITH OR IN CLOSE PROXIMITY TO THE CHILD'S SIBLINGS WHEN POSSIBLE AND TO VISIT AND HAVE CONTACT WITH SIBLINGS AND FAMILY MEMBERS WHEN IT IS IN THE BEST INTEREST OF THE CHILD.
5. To know why the child is in foster care and what will happen to the child and to the child's family, including siblings, and case plans.
6. Whenever possible, to be placed with a foster family that can accommodate the child's communication needs.
7. To be disciplined in a manner that is appropriate to the child's level of maturity AND NOT BE SUBJECTED TO PHYSICAL DISCIPLINE METHODS.
8. To attend community, school, EXTRACURRICULAR and religious services and activities of the child's choice to the extent that it is appropriate for the child, as planned and discussed with the child's placement worker and caseworker and based on caregiver ability if transportation is available through a responsible party.
9. To go to school and receive an education that fits the child's age and individual needs. IF REMAINING IN THE CHILD'S CURRENT SCHOOL IS NOT IN THE CHILD'S BEST INTEREST, THE CHILD HAS THE RIGHT TO BE ENROLLED IN THE LEAST RESTRICTIVE SCHOOL AVAILABLE.
10. To training in personal care, hygiene and grooming.
11. To clothing that fits comfortably and is adequate to protect the child against natural elements such as rain, snow, wind, cold and sun.
12. To have personal possessions at home that are not offensive to the foster family and to acquire additional possessions within reasonable limits, as planned and discussed with the child's foster parent, placement worker and caseworker, and based on caregiver ability.

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1 ~~it.~~ 13. To personal space, ~~in the foster home~~ preferably, in the
2 child's FOSTER HOME bedroom for storing clothing and belongings.
3 ~~it.~~ 14. To healthy foods in healthy portions that are appropriate
4 for the child's age.
5 ~~it.~~ 15. To comply with any approved visitation plan, and to have
6 any restrictions explained to the child in a manner and level of details
7 deemed age appropriate by the foster parent in agreement with the
8 caseworker and documented in the child's record.
9 ~~it.~~ 16. If the child is six years of age or older, to receive
10 contact information for the child's caseworker, attorney or advocate and
11 to speak with them in private if necessary.
12 17. TO BE REPRESENTED BY AN ATTORNEY IN ALL PROCEEDINGS INITIATED
13 PURSUANT TO THIS TITLE.
14 ~~it.~~ 18. To participate in age appropriate child's service planning
15 and permanency planning meetings and to be given a copy or summary of each
16 service plan and service plan review. The child may request someone to
17 participate on the child's behalf or to support the child in this
18 participation.
19 ~~it.~~ 19. To attend the child's court hearing and speak to the judge.
20 ~~it.~~ 20. To have the child's records and personal information kept
21 private and discussed only when it is about the child's care except the
22 foster parent shall have full access to the records to determine if the
23 child will be successful in the home. During the foster placement, if the
24 foster parent requests to view the record ~~upon~~ ON experiencing problems
25 with the child's adjustment, the full record shall be made available for
26 viewing by the foster parent.
27 21. TO RECEIVE MEDICAL, DENTAL, VISION AND MENTAL HEALTH SERVICES
28 AND TO BE INFORMED ABOUT DIAGNOSES AND TREATMENT OPTIONS AS IS
29 DEVELOPMENTALLY APPROPRIATE.
30 ~~it.~~ 22. To be free of unnecessary or excessive medication.
31 ~~it.~~ 23. To receive emotional, mental health or chemical dependency
32 treatment separately from adults who are receiving services, as planned
33 and discussed with the child's placement worker and caseworker, as is
34 financially reasonable for the foster parent.
35 ~~it.~~ 24. To report a violation of personal rights specified in this
36 section without fear of punishment, interference, coercion or retaliation,
37 except that an appropriate level of punishment may be applied if the child
38 is proven to have maliciously or wrongfully accused the foster parent.
39 ~~it.~~ 25. To be informed in writing of the name, address, telephone
40 number and purpose of the Arizona protection and advocacy system for
41 disability assistance.
42 ~~it.~~ 26. To understand and have a copy of the rights listed in this
43 section.

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1 B. A child in foster care or kinship foster care who is at least
2 ~~sixteen~~ FOURTEEN years of age has the following rights:
3 1. To attend preparation for adult living classes and activities as
4 appropriate to the child's case plan, as is financially reasonable for the
5 foster parent.
6 2. To a transition plan that includes career planning and
7 assistance with enrolling in an educational or vocational job training
8 program.
9 3. To be informed of educational opportunities, ~~before the child~~
10 ~~leaves foster care~~ INCLUDING INFORMATION REGARDING ASSISTANCE AND FUNDING
11 FOR POSTSECONDARY AND VOCATIONAL EDUCATION.
12 4. To assistance in obtaining an independent residency when the
13 child is too old to remain in foster care from the child's caseworker,
14 attorney or advocate.
15 5. To request a court hearing for a court to determine if the child
16 has the capacity to consent to medical care that is directly related to an
17 illness, disease, deformity or other physical malady.
18 6. To receive help with obtaining a driver license, social security
19 number, birth certificate or state identification card, ~~except that~~ AND
20 CREDIT REPORTS WITH ASSISTANCE IN INTERPRETING THE REPORTS AND RESOLVING
21 INACCURACIES IN THE REPORT. The foster parent shall have discretion to
22 determine if the child is responsible and mature enough to become a
23 licensed driver.
24 7. To receive necessary personal information within thirty days
25 after leaving foster care, including the child's birth certificate,
26 immunization records and information contained in the child's education
27 portfolio and health passport.
28 ~~C. This section does not establish any legally enforceable right or~~
29 ~~cause of action on behalf of any person.~~
30 8. TO PARTICIPATE IN OR REENTER EXTENDED FOSTER CARE WHEN THE CHILD
31 IS AT LEAST EIGHTEEN AND UNDER TWENTY-ONE YEARS OF AGE PURSUANT TO SECTION
32 8-521.02.
33 C. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A CHILD'S
34 RIGHTS PURSUANT TO THIS SECTION AND ASSISTANCE IN UNDERSTANDING AND
35 ENFORCING THESE RIGHTS TO EACH CHILD WHO ENTERS FOSTER CARE OR KINSHIP
36 FOSTER CARE OR WHEN THERE IS A CHANGE IN THE CHILD'S FOSTER CARE PLAN.
37 THE INFORMATION SHALL ALSO INCLUDE THE TELEPHONE NUMBER AND EMAIL ADDRESS
38 OF THE DEPARTMENT, THE CHILD'S ASSIGNED CASE MANAGER, THE DEPARTMENT'S
39 OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZENS AIDE. A COPY OF THESE
40 RIGHTS SHALL BE POSTED IN A CONSPICUOUS PLACE IN ALL FOSTER CARE AND GROUP
41 HOMES.
42 D. IF A CHILD WHO IS IN FOSTER CARE OR KINSHIP FOSTER CARE BELIEVES
43 THAT THE CHILD'S RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE CHILD
44 OR THE CHILD'S REPRESENTATIVE MAY:

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1 1. FILE A COMPLAINT WITH THE DEPARTMENT, THE DEPARTMENT'S OFFICE OF
2 THE OMBUDSMAN OR THE OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376.
3 A FORMAL GRIEVANCE MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME.
4 2. NOTIFY THE JUVENILE COURT IN THE CHILD'S ONGOING DEPENDENCY,
5 SEVERANCE OR ADOPTION PROCEEDING, EITHER ORALLY OR IN WRITING, THAT THE
6 CHILD'S RIGHTS ARE BEING VIOLATED AND REQUEST APPROPRIATE EQUITABLE
7 RELIEF. THE COURT SHALL ACT ON THE NOTIFICATION AS NECESSARY WITHIN ITS
8 DISCRETION TO PROMOTE THE BEST INTEREST OF THE CHILD.
9 E. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN
10 INDEPENDENT CAUSE OF ACTION.
11 Sec. 2. Section 8-530, Arizona Revised Statutes, is amended to
12 read:
13 8-530. Foster parents and kinship foster care parents: rights
14 A. A foster parent OR KINSHIP FOSTER CARE parent in this state has
15 the following rights:
16 1. To be treated with consideration and respect for the foster
17 PARENT OR KINSHIP FOSTER CARE parent's personal dignity and privacy.
18 2. To be included as a valued member of the team that provides
19 services to the foster child, INCLUDING PARTICIPATION IN MEETINGS THAT
20 INVOLVE THE CHILD'S SERVICE TEAM.
21 3. To receive support services that assist the foster parent OR
22 KINSHIP FOSTER CARE PARENT to care for the child in the foster home,
23 including open and timely responses from agency personnel.
24 4. To be informed of all information regarding the child that will
25 impact the foster home or family life during the care of the foster child.
26 5. To contribute to the permanency plan for the child in the foster
27 home.
28 6. To have placement information kept confidential when it is
29 necessary to protect the foster parent OR KINSHIP FOSTER CARE PARENT and
30 the members of the foster parent's OR KINSHIP FOSTER CARE PARENT'S
31 household.
32 7. To be assisted in dealing with family loss and separation when a
33 child leaves the foster home.
34 8. To be informed of all agency policies and procedures that relate
35 to the foster parent's OR KINSHIP FOSTER CARE PARENT'S role as a foster
36 parent OR KINSHIP FOSTER CARE PARENT.
37 9. To receive training that will enhance the foster parent's OR
38 KINSHIP FOSTER CARE PARENT'S skills and ability to cope as a foster parent
39 OR KINSHIP FOSTER CARE PARENT.
40 10. TO REPORT A VIOLATION OF THE RIGHTS SPECIFIED IN THIS SECTION
41 WITHOUT FEAR OF PUNISHMENT, INTERFERENCE, COERCION OR RETALIATION.
42 11. To be able to receive services and reach personnel on a
43 twenty-four hour, seven days per week basis.
44 12. To be granted a reasonable plan for respite from the role
45 of foster parent OR KINSHIP FOSTER CARE PARENT.

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1 ~~12.~~ 13. To confidentiality regarding issues that arise in the
2 foster home.
3 ~~13.~~ 14. To not be discriminated against on the basis of religion,
4 race, color, creed, sex, national origin, age or physical disability.
5 ~~14.~~ 15. To receive an evaluation on the foster parent's OR KINSHIP
6 FOSTER CARE PARENT'S performance.
7 ~~15.~~ 16. To be notified of a child returning to foster care pursuant to
8 SECTION 8-530.01 OR WHEN A CHILD WHO IS CURRENTLY PLACED IN FOSTER CARE OR
9 KINSHIP FOSTER CARE BECOMES AVAILABLE FOR ADOPTION.
10 B. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A FOSTER
11 PARENT'S OR KINSHIP FOSTER CARE PARENT'S RIGHTS PURSUANT TO THIS SECTION
12 AND ASSISTANCE IN UNDERSTANDING AND ENFORCING THESE RIGHTS TO EACH FOSTER
13 PARENT'S OR KINSHIP FOSTER CARE PARENT'S CARE OR WHEN THERE IS A CHANGE IN
14 THE CHILD'S FOSTER CARE OR KINSHIP FOSTER CARE PLAN. THE INFORMATION
15 SHALL INCLUDE THE TELEPHONE NUMBER AND EMAIL ADDRESS OF THE DEPARTMENT,
16 THE DEPARTMENT'S OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZENS AIDE.
17 C. IF A FOSTER PARENT OR KINSHIP FOSTER CARE PARENT BELIEVES THAT
18 THE PERSON'S RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE FOSTER
19 PARENT OR KINSHIP FOSTER CARE PARENT OR THE FOSTER PARENT'S OR KINSHIP
20 FOSTER CARE PARENT'S REPRESENTATIVE MAY FILE A COMPLAINT WITH THE
21 DEPARTMENT, THE DEPARTMENT'S OFFICE OF THE OMBUDSMAN OR THE
22 OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376. A FORMAL GRIEVANCE
23 MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME. IF A FOSTER PARENT OR
24 KINSHIP FOSTER CARE PARENT OR A FOSTER PARENT'S OR KINSHIP FOSTER CARE
25 PARENT'S REPRESENTATIVE FILES A COMPLAINT PURSUANT TO THIS SUBSECTION, THE
26 PERSON MAY ALSO NOTIFY THE JUVENILE COURT AND ALL PARTIES TO THE CHILD'S
27 ONGOING DEPENDENCY, SEVERANCE OR ADOPTION PROCEEDING ORALLY OR IN WRITING
28 OF THE COMPLAINT.
29 D. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN
30 INDEPENDENT CAUSE OF ACTION.
31 Sec. 3. Section 8-803, Arizona Revised Statutes, is amended to
32 read:
33 8-803. Limitation of authority: duty to inform
34 A. On initial contact with a parent, guardian or custodian under
35 investigation pursuant to this article, a child safety worker shall:
36 1. Inform the family, both verbally and in writing, making
37 reasonable efforts to receive written acknowledgement from the parent,
38 guardian, or custodian, of receipt of all of the following information:
39 ~~1.~~ (a) That the family is under investigation by the department.
40 ~~2.~~ (b) The specific complaint or allegation made against that
41 person.

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1 3. (c) That the worker has no legal authority to compel the family
2 to cooperate with the investigation or to receive child safety services
3 offered pursuant to the investigation.
4 (d) THAT ABSENT A COURT ORDER, THE FAMILY MAY DENY THE WORKER ENTRY
5 INTO THE FAMILY'S HOME.
6 (e) THAT THE FAMILY HAS THE RIGHT TO SEEK THE ADVICE OF AN ATTORNEY
7 AND TO HAVE AN ATTORNEY PRESENT WHEN QUESTIONED BY A WORKER.
8 (f) THAT ANYTHING THE PERSON SAYS OR WRITES MAY BE USED IN A COURT
9 PROCEEDING.
10 (g) THAT THE FAMILY MAY REFUSE TO DO ANY OF THE FOLLOWING:
11 (1) SIGN A RELEASE OF INFORMATION DOCUMENT.
12 (11) CONSENT TO TAKE A DRUG OR ALCOHOL TEST.
13 (111) SUBMIT TO A MENTAL HEALTH EVALUATION.
14 4. (h) The worker's authority to petition the juvenile court for a
15 determination that a child is dependent.
16 5. (i) The person's right to file a complaint with the
17 ombudsman-citizens aide pursuant to section 41-1376. The worker shall
18 provide the telephone number AND EMAIL ADDRESS of the ombudsman-citizens
19 aide.
20 6. (j) The person's right to appeal determinations made by the
21 department.
22 7. (k) Information outlining parental rights under the laws of the
23 state.
24 2. PROVIDE INFORMATION TO THE FAMILY ABOUT THE INVESTIGATION AND
25 CHILD SAFETY DECISION-MAKING PROCESS, DOCUMENT THAT THIS INFORMATION HAS
26 BEEN PROVIDED AND MAKE REASONABLE EFFORTS TO RECEIVE WRITTEN
27 ACKNOWLEDGEMENT OF RECEIPT OF THIS INFORMATION. IF THE WORKER'S
28 REASONABLE EFFORTS TO OBTAIN WRITTEN ACKNOWLEDGEMENT OF RECEIPT OF THE
29 INFORMATION ARE UNSUCCESSFUL, THE WORKER SHALL DOCUMENT THE REASON WHY
30 EFFORTS TO OBTAIN WRITTEN ACKNOWLEDGEMENT WERE UNSUCCESSFUL.
31 B. The child safety worker shall also inform the person about whom
32 the report was made about that person's right to respond to the
33 allegations either verbally or in writing, including any documentation,
34 and to have this information considered in determining if the child is in
35 need of child safety services. The worker shall tell the person that
36 anything the person says or writes can be used in a court proceeding. If
37 the person makes a verbal response, the worker shall include the response
38 in the written report of the investigation. If the person makes a written
39 response, including any documentation, the worker shall include this
40 response and the documentation in the case file. Information provided in
41 response to the allegations shall be considered during the investigation
42 by the worker. The worker shall maintain the response and documentation
43 in the case file and provide this information to the court before a
44 hearing or trial relating to the dependency petition.

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1 C. If the family declines to cooperate with the investigation or to
2 accept or to participate in the offered services, or if the worker
3 otherwise believes that the child should be adjudicated dependent, the
4 worker may file with the juvenile court a petition requesting that the
5 child in need of child safety services be adjudicated dependent.
6 D. Refusal to cooperate in the investigation or to participate in
7 the offered services does not constitute grounds for temporary custody of
8 a child except if there is a clear necessity for temporary custody as
9 provided in section 8-821.
10 Sec. 4. Section 8-809, Arizona Revised Statutes, is amended to
11 read:
12 8-809. Parents' rights: information on website: rule changes
13 A. The department shall provide on its website information on
14 parents' rights PURSUANT TO SECTION 8-809.01 and other information to
15 assist parents and guardians in understanding the process of removal of a
16 child from the home.
17 B. The department shall provide on its home page a conspicuous link
18 to the information prescribed in subsection A of this section.
19 C. The department shall publish on its website any final rule
20 within ten days after the department files the final rule with the
21 secretary of state.
22 Sec. 5. Title 8, chapter 4, article 8, Arizona Revised Statutes, is
23 amended by adding section 8-809.01, to read:
24 8-809.01. Parent, guardian or custodian: rights
25 A. ON INITIAL CONTACT WITH A CHILD SAFETY WORKER, A PARENT,
26 GUARDIAN OR CUSTODIAN UNDER INVESTIGATION FOR AN ALLEGATION OF ABUSE OR
27 NEGLECT HAS THE FOLLOWING RIGHTS:
28 1. TO BE INFORMED OF THE SPECIFIC COMPLAINT OR ALLEGATION AGAINST
29 THAT PERSON AND THAT ANY RESPONSES TO THE COMPLAINT OR ALLEGATION MAY BE
30 USED IN A SUBSEQUENT COURT PROCEEDING.
31 2. TO REFUSE TO COOPERATE WITH THE INVESTIGATION OR RECEIVE CHILD
32 SAFETY SERVICES OFFERED PURSUANT TO THE INVESTIGATION. A CHILD MAY NOT BE
33 TEMPORARILY REMOVED BASED SOLELY ON A PARENT'S, GUARDIAN'S OR CUSTODIAN'S
34 REFUSAL TO COOPERATE WITH THE INVESTIGATION.
35 3. UNLESS OTHERWISE ORDERED BY THE COURT, TO DENY THE WORKER ENTRY
36 INTO THE PARENT'S, GUARDIAN'S OR CUSTODIAN'S HOME.
37 4. TO RESPOND TO ALLEGATIONS EITHER VERBALLY OR IN WRITING AND TO
38 HAVE THIS INFORMATION CONSIDERED IN DETERMINING IF THE CHILD REQUIRES
39 CHILD SAFETY SERVICES.
40 5. TO REPORT A VIOLATION OF THE RIGHTS SPECIFIED IN THIS SECTION
41 WITHOUT FEAR OF PUNISHMENT, INTERFERENCE, COERCION OR RETALIATION.
42 6. TO APPEAL DETERMINATIONS MADE BY THE DEPARTMENT.
43 7. TO SEEK THE ADVICE OF AN ATTORNEY AND TO HAVE AN ATTORNEY
44 PRESENT WHEN QUESTIONED BY A WORKER.

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1 8. UNLESS OTHERWISE ORDERED BY THE COURT, TO REFUSE TO DO ANY OF
2 THE FOLLOWING:
3 (a) SIGN A RELEASE OF INFORMATION DOCUMENT.
4 (b) CONSENT TO TAKE A DRUG OR ALCOHOL TEST.
5 (c) SUBMIT TO A MENTAL HEALTH EVALUATION.
6 9. TO RECEIVE INFORMATION ABOUT THE INVESTIGATION AND THE
7 DEPARTMENT'S DECISION-MAKING PROCESS.
8 10. TO BE INFORMED BOTH VERBALLY AND IN WRITING OF THESE RIGHTS AND
9 ANY PARENTAL RIGHTS UNDER STATE LAW AND TO PROVIDE WRITTEN ACKNOWLEDGEMENT
10 OF RECEIPT OF THESE RIGHTS.
11 B. IF A CHILD SAFETY WORKER HAS PROBABLE CAUSE TO BELIEVE THAT
12 EXISTENT CIRCUMSTANCES EXIST THAT PRESENT AN IMMINENT DANGER TO THE CHILD,
13 THE WORKER SHALL TAKE ALL LAWFUL MEASURES TO PROTECT THE CHILD PURSUANT TO
14 SECTIONS 8-821 AND 8-822 BEFORE PROVIDING THE NOTICE OF RIGHTS PURSUANT TO
15 SUBSECTION A OF THIS SECTION.
16 C. UNLESS PARENTAL RIGHTS HAVE BEEN TERMINATED, EXISTENT
17 CIRCUMSTANCES EXIST OR AS OTHERWISE ORDERED BY THE COURT, A PARENT,
18 GUARDIAN OR CUSTODIAN WHOSE CHILD IS PLACED IN THE DEPARTMENT'S CUSTODY
19 HAS THE FOLLOWING RIGHTS:
20 1. TO NOT HAVE THE CHILD TAKEN INTO DEPARTMENT CUSTODY WITHOUT THE
21 DEPARTMENT PROVIDING THE REASONS FOR REMOVAL AND INFORMATION SUPPORTING
22 THE REMOVAL.
23 2. TO THE EXTENT PRACTICABLE, BE IMMEDIATELY NOTIFIED VERBALLY OR
24 IN WRITING THAT THE CHILD WAS TAKEN INTO CUSTODY.
25 3. TO RECEIVE INFORMATION ON THE SERVICES AVAILABLE TO THE CHILD,
26 PARENT, GUARDIAN OR CUSTODIAN AND THE DEPENDENCY PROCESS AND TIMELINES.
27 4. TO HAVE AN ATTORNEY PRESENT OR AN ATTORNEY APPOINTED BY THE
28 COURT AT ALL COURT PROCEEDINGS.
29 5. TO BE TIMELY NOTIFIED OF THE DATE, TIME AND LOCATION OF ALL
30 HEARINGS AND TO PARTICIPATE IN ALL HEARINGS.
31 6. WHENEVER POSSIBLE, TO PARTICIPATE IN THE DEVELOPMENT OF A CASE
32 PLAN.
33 7. TO RECEIVE SERVICES IF THE CHILD HAS BEEN REMOVED FROM THE HOME,
34 INCLUDING SERVICES THAT FACILITATE REUNIFICATION OF THE FAMILY.
35 8. TO MAINTAIN CONTACT WITH THE CHILD UNLESS IT IS DETERMINED BY
36 THE DEPARTMENT OR COURT TO BE HARMFUL TO THE CHILD'S SAFETY OR WELL-BEING.
37 9. TO BE CONSULTED ABOUT THE CHILD'S MEDICAL CARE, EDUCATION AND
38 GROOMING.
39 10. TO REQUEST THAT THE CHILD BE RETURNED IF THE COURT FINDS BY A
40 PREPONDERANCE OF THE EVIDENCE THAT THE RETURN OF THE CHILD WOULD NOT
41 CREATE A SUBSTANTIAL RISK OF HARM TO THE CHILD'S PHYSICAL, MENTAL OR
42 EMOTIONAL HEALTH OR SAFETY.
43 D. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A PARENT'S,
44 GUARDIAN'S OR CUSTODIAN'S RIGHTS PURSUANT TO THIS SECTION AND ASSISTANCE
45 IN UNDERSTANDING AND ENFORCING THESE RIGHTS TO EACH PARENT, GUARDIAN AND

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1 CUSTODIAN ON INITIAL CONTACT WITH A CHILD SAFETY WORKER OR WHEN THERE IS A
2 CHANGE IN THE CHILD'S CASE PLAN. THE INFORMATION SHALL INCLUDE THE
3 TELEPHONE NUMBER AND EMAIL ADDRESS OF THE DEPARTMENT, THE DEPARTMENT'S
4 OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZEN AIDE.
5 E. IF A PARENT, GUARDIAN OR CUSTODIAN BELIEVES THAT THE PERSON'S
6 RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE PARENT, GUARDIAN OR
7 CUSTODIAN OR THE PERSON'S REPRESENTATIVE MAY:
8 1. FILE A COMPLAINT WITH THE DEPARTMENT, THE DEPARTMENT'S OFFICE OF
9 THE OMBUDSMAN OR THE OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376.
10 A FORMAL GRIEVANCE MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME.
11 2. NOTIFY THE JUVENILE COURT IN THE CHILD'S ONGOING DEPENDENCY OR
12 SEVERANCE PROCEEDING, EITHER ORALLY OR IN WRITING, THAT THE PARENT'S,
13 GUARDIAN'S OR CUSTODIAN'S RIGHTS ARE BEING VIOLATED AND REQUEST
14 APPROPRIATE EQUITABLE RELIEF. THE COURT SHALL ACT ON THE NOTIFICATION AS
15 NECESSARY WITHIN ITS DISCRETION TO PROMOTE THE BEST INTEREST OF THE CHILD.
16 F. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN
17 INDEPENDENT CAUSE OF ACTION.

APPROVED BY THE GOVERNOR MAY 19, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2023.

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AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; AMENDING SECTION 11-820, ARIZONA REVISED
STATUTES; RELATING TO PLANNING AND ZONING.

AN ACT

SENATE BILL 1162

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed
home-based businesses; restrictions; prohibition

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:
4 9-462.10. Restriction on regulation: home-based businesses;
5 no-impact home-based businesses; exceptions:
6 definitions
7 A. A HOME-BASED BUSINESS SHALL BE ALLOWED AS A USE BY RIGHT IF THE
8 HOME-BASED BUSINESS DOES NOT SUPERSEDE ANY DEED RESTRICTION, COVENANT OR
9 AGREEMENT RESTRICTING THE USE OF LAND, A MASTER DEED OR ANY OTHER DOCUMENT
10 APPLICABLE TO A COMMON INTEREST OWNERSHIP COMMUNITY.
11 B. A MUNICIPALITY MAY NOT PROHIBIT A NO-IMPACT HOME-BASED BUSINESS
12 OR REQUIRE A PERSON TO APPLY FOR, REGISTER OR OBTAIN A PERMIT, LICENSE,
13 VARIANCE OR OTHER TYPE OF PRIOR MUNICIPAL APPROVAL TO OPERATE A NO-IMPACT
14 HOME-BASED BUSINESS.
15 C. A MUNICIPALITY MAY ESTABLISH REASONABLE REGULATIONS ON A
16 HOME-BASED BUSINESS IF THE REGULATIONS ARE NARROWLY TAILORED FOR THE
17 FOLLOWING PURPOSES:
18 1. PROTECTING THE PUBLIC HEALTH AND SAFETY, INCLUDING EXISTING
19 MUNICIPAL REGULATIONS RELATED TO FIRE AND BUILDING CODES, HEALTH,
20 SANITATION, TRANSPORTATION OR TRAFFIC CONTROL AND SOLID OR HAZARDOUS
21 WASTE, POLLUTION AND NOISE CONTROL.
22 2. LIMITING OR PROHIBITING THE USE OF A HOME-BASED BUSINESS FOR THE
23 PURPOSES OF MAINTAINING A STRUCTURED SOBER LIVING HOME, SELLING ILLEGAL
24 DRUGS OR LIQUOR, PORNOGRAPHY, OBSCENITY, NUDE OR TOPLESS DANCING OR OTHER
25 ADULT-ORIENTED BUSINESSES.
26 3. ENSURING THAT THE BUSINESS ACTIVITY IS:
27 (a) COMPATIBLE WITH RESIDENTIAL USE OF THE PROPERTY AND THE
28 SURROUNDING RESIDENTIAL AREA.
29 (b) SECONDARY TO THE USE OF THE PROPERTY AS A RESIDENTIAL DWELLING.
30 (c) COMPLYING WITH STATE AND FEDERAL LAW AND APPLICABLE TAXES.
31 D. A MUNICIPALITY MAY NOT REQUIRE A PERSON AS A CONDITION OF
32 OPERATING A HOME-BASED BUSINESS TO:
33 1. APPLY FOR REZONING OF THE PROPERTY FOR COMMERCIAL USE.
34 2. OBTAIN A HOME-BASED BUSINESS LICENSE OR OTHER GENERAL BUSINESS
35 LICENSE.
36 3. INSTALL OR EQUIP FIRE SPRINKLERS IN A SINGLE-FAMILY DETACHED
37 RESIDENTIAL DWELLING OR ANY RESIDENTIAL DWELLING WITH NOT MORE THAN TWO
38 DWELLING UNITS.
39 E. A QUESTION ABOUT WHETHER AN ADOPTED MUNICIPAL REGULATION
40 COMPLIES WITH THIS SECTION SHALL BE A JUDICIAL QUESTION, AND THE
41 MUNICIPALITY THAT ENACTED THE REGULATION SHALL ESTABLISH BY CLEAR AND
42 CONVINCING EVIDENCE THAT THE REGULATION COMPLIES WITH THIS SECTION.
43 F. FOR THE PURPOSES OF THIS SECTION:
44 1. "GOODS" MEANS ANY MERCHANDISE, EQUIPMENT, PRODUCTS, SUPPLIES OR
45 MATERIALS.

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1 2. "HOME-BASED BUSINESS" MEANS ANY BUSINESS FOR THE MANUFACTURE,
2 PROVISION OR SALE OF GOODS OR SERVICES THAT IS OWNED AND OPERATED BY THE
3 OWNER OR TENANT OF THE RESIDENTIAL PROPERTY.
4 3. "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, CHILD, SIBLING,
5 PARENT, GRANDPARENT, GRANDCHILD, STEPARENT, STEPCHILD OR STEPSIBLING OF
6 THE HOMEOWNER OR TENANT, WHETHER RELATED BY ADOPTION OR BLOOD.
7 4. "NO-IMPACT HOME-BASED BUSINESS" MEANS:
8 (a) BUSINESS ACTIVITIES THAT ARE LIMITED TO THE SALE OF LAWFUL
9 GOODS OR SERVICES.
10 (b) A BUSINESS THAT EMPLOYS ONLY THE FOLLOWING:
11 (1) RESIDENTS OF THE PRIMARY DWELLING.
12 (11) IMMEDIATE FAMILY MEMBERS OF RESIDENTS OF THE PRIMARY DWELLING.
13 (111) NOT MORE THAN THREE INDIVIDUALS WHO ARE NOT RESIDENTS OF THE
14 PRIMARY DWELLING.
15 (c) BUSINESS ACTIVITIES THAT:
16 (1) DO NOT GENERATE ODOR, NOISE, ON-STREET PARKING OR A SUBSTANTIAL
17 INCREASE IN TRAFFIC IN THE RESIDENTIAL AREA.
18 (11) OCCUR INSIDE THE RESIDENTIAL DWELLING.
19 (111) ARE NOT VISIBLE FROM THE STREET.
20 (1V) DO NOT VIOLATE ANY REGULATION ESTABLISHED PURSUANT TO
21 SUBSECTION C OF THIS SECTION.
22 Sec. 2. Section 11-820, Arizona Revised Statutes, is amended to
23 read:
24 11-820. Restriction on regulation; home-based businesses.
25 no-impact home-based businesses; exceptions.
26 definitions
27 A. Any ordinance authorized by this chapter shall not restrict or
28 otherwise regulate the owner of a home-based business that holds a valid
29 license from:
30 1. Making residential property improvements to add doors, shelving
31 or display racks for use by the home-based business.
32 2. Displaying a temporary commercial sign on the residential
33 property during business hours, if the sign is not more than twenty-four
34 inches by twenty-four inches.
35 3. Selling or offering for sale any goods.
36 4. Generating traffic, parking or delivery activity that does not
37 cause on-street parking congestion or a substantial increase in traffic
38 through the residential area.
39 5. Having more than one client on the property at one time.
40 6. Employing any of the following:
41 (a) Residents of the primary dwelling.
42 (b) Immediate family members.
43 (c) One or two individuals who are not residents of the primary
44 dwelling or immediate family members.

1 ~~B. This section does not preclude a county from imposing reasonable~~
2 ~~operating requirements on a home-based business or a residential property~~
3 ~~used by a home-based business.~~
4 A. A HOME-BASED BUSINESS SHALL BE ALLOWED AS A USE BY RIGHT IF THE
5 HOME-BASED BUSINESS DOES NOT SUPERSEDE ANY DEED RESTRICTION, COVENANT OR
6 AGREEMENT RESTRICTING THE USE OF LAND, A MASTER DEED OR ANY OTHER DOCUMENT
7 APPLICABLE TO A COMMON INTEREST OWNERSHIP COMMUNITY.
8 B. A COUNTY MAY NOT PROHIBIT A NO-IMPACT HOME-BASED BUSINESS OR
9 REQUIRE A PERSON TO APPLY FOR, REGISTER OR OBTAIN A PERMIT, LICENSE,
10 VARIANCE OR OTHER TYPE OF PRIOR COUNTY APPROVAL TO OPERATE A NO-IMPACT
11 HOME-BASED BUSINESS.
12 C. A COUNTY MAY ESTABLISH REASONABLE REGULATIONS ON A HOME-BASED
13 BUSINESS IF THE REGULATIONS ARE NARROWLY TAILORED FOR THE FOLLOWING
14 PURPOSES:
15 1. PROTECTING THE PUBLIC HEALTH AND SAFETY, INCLUDING EXISTING
16 COUNTY REGULATIONS RELATED TO FIRE AND BUILDING CODES, HEALTH, SANITATION,
17 TRANSPORTATION OR TRAFFIC CONTROL AND SOLID OR HAZARDOUS WASTE, POLLUTION
18 AND NOISE CONTROL.
19 2. LIMITING OR PROHIBITING THE USE OF A HOME-BASED BUSINESS FOR THE
20 PURPOSES OF MAINTAINING A STRUCTURED SOBER LIVING HOME, SELLING ILLEGAL
21 DRUGS OR LIQUOR, PORNOGRAPHY, OBSCENITY, NUDE OR TOPLESS DANCING OR OTHER
22 ADULT-ORIENTED BUSINESSES.
23 3. ENSURING THAT THE BUSINESS ACTIVITY IS:
24 (a) COMPATIBLE WITH RESIDENTIAL USE OF THE PROPERTY AND THE
25 SURROUNDING RESIDENTIAL AREA.
26 (b) SECONDARY TO THE USE OF THE PROPERTY AS A RESIDENTIAL DWELLING.
27 (c) COMPLYING WITH STATE AND FEDERAL LAW AND APPLICABLE TAXES.
28 D. A COUNTY MAY NOT REQUIRE A PERSON AS A CONDITION OF OPERATING A
29 HOME-BASED BUSINESS TO:
30 1. APPLY FOR REZONING OF THE PROPERTY FOR COMMERCIAL USE.
31 2. OBTAIN A HOME-BASED BUSINESS LICENSE OR OTHER GENERAL BUSINESS
32 LICENSE.
33 3. INSTALL OR EQUIP FIRE SPRINKLERS IN A SINGLE-FAMILY DETACHED
34 RESIDENTIAL DWELLING OR ANY RESIDENTIAL DWELLING WITH NOT MORE THAN TWO
35 DWELLING UNITS.
36 E. A QUESTION ABOUT WHETHER AN ADOPTED COUNTY REGULATION COMPLIES
37 WITH THIS SECTION SHALL BE A JUDICIAL QUESTION AND THE COUNTY THAT ENACTED
38 THE REGULATION SHALL ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT THE
39 REGULATION COMPLIES WITH THIS SECTION.
40 F. For the purposes of this section:
41 1. "Goods" means any merchandise, equipment, products, supplies or
42 materials.
43 2. "Home-based business" means any business for the ~~limited~~
44 manufacture, provision or sale of goods or services that is owned and
45 operated by the owner or tenant of the residential property.

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1 3. "Immediate family member" means a spouse, child, sibling,
2 parent, grandparent, grandchild, stepparent, stepchild or step sibling,
3 whether related by adoption or blood.
4 4. "License" means any permit, certificate, approval, registration,
5 charter or similar form of authorization that is required by law and that
6 is issued by any agency, department, board or commission of this state or
7 of any political subdivision of this state for the purpose of operating a
8 business in this state or to an individual who provides a service to any
9 person and the license is required to perform that service.
10 4. "NO-IMPACT HOME-BASED BUSINESS" MEANS:
11 (a) BUSINESS ACTIVITIES THAT ARE LIMITED TO THE SALE OF LAWFUL
12 GOODS OR SERVICES.
13 (b) A BUSINESS THAT EMPLOYS ONLY THE FOLLOWING:
14 (i) RESIDENTS OF THE PRIMARY DWELLING.
15 (ii) IMMEDIATE FAMILY MEMBERS OF RESIDENTS OF THE PRIMARY DWELLING.
16 (iii) NOT MORE THAN THREE INDIVIDUALS WHO ARE NOT RESIDENTS OF THE
17 PRIMARY DWELLING.
18 (c) BUSINESS ACTIVITIES THAT:
19 (i) DO NOT GENERATE ODOR, NOISE, ON-STREET PARKING OR A SUBSTANTIAL
20 INCREASE IN TRAFFIC IN THE RESIDENTIAL AREA.
21 (ii) OCCUR INSIDE THE RESIDENTIAL DWELLING.
22 (iii) ARE NOT VISIBLE FROM THE STREET.
23 (iv) DO NOT VIOLATE ANY REGULATION ESTABLISHED PURSUANT TO
24 SUBSECTION C OF THIS SECTION.

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTIONS 8-801, 8-807, 12-2294 AND 36-3501, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING SECTION 41-3024.14, ARIZONA REVISED STATUTES; RELATING TO MALTREATMENT FATALITIES AND NEAR FATALITIES.

AN ACT

SENATE BILL 1252

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

House Engrossed Senate Bill
~~child fatality review committee; establishment~~
(now: maltreatment oversight committee; establishment)

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1 Be it enacted by the Legislature of the State of Arizona:
2
3 read:
4 8-801. Definitions
5 In this article and articles 9, 10, 11, 12, 13 and 14 of this
6 chapter, unless the context otherwise requires:
7 1. "Child safety services" means a specialized child welfare
8 program that is administered by the department as provided in this chapter
9 and that investigates allegations of and seeks to prevent, intervene in
10 and treat abuse, and neglect, to promote the well-being of the child in a
11 permanent home and to coordinate services to strengthen the family.
12 2. "Child safety worker" or "worker" means a person who has been
13 selected by and trained under the requirements prescribed by the
14 department and who assists in carrying out the provisions of this article.
15 3. "DCS INFORMATION":
16 (a) INCLUDES ALL INFORMATION THE DEPARTMENT GATHERS DURING THE
17 COURSE OF AN INVESTIGATION CONDUCTED UNDER THIS CHAPTER FROM THE TIME A
18 FILE IS OPENED AND UNTIL IT IS CLOSED.
19 (b) DOES NOT INCLUDE INFORMATION THAT IS CONTAINED IN CHILD WELFARE
20 AGENCY LICENSING RECORDS.
21 4. "In-home intervention" means a program of services provided
22 pursuant to article 14 of this chapter while the child is still in the
23 custody of the parent, guardian or custodian.
24 5. "Relative" has the same meaning prescribed in section 8-501.
25 Sec. 2. Section 8-807, Arizona Revised Statutes, is amended to
26 read:
27 8-807. DCS information: public record; use: confidentiality;
28 violation; classification
29 A. DCS information shall be maintained by the department as
30 required by federal law as a condition of the allocation of federal monies
31 to this state. All exceptions for the public release of DCS information
32 shall be construed as openly as possible under federal law.
33 B. The department, or a person who receives DCS information
34 pursuant to this subsection, shall provide DCS information to a federal
35 agency, a state agency, a tribal agency, a county or municipal agency, a
36 law enforcement agency, a prosecutor, an attorney or a guardian ad litem
37 representing a child victim of crime pursuant to article 11, section 2.1,
38 Constitution of Arizona, a school, a community service provider, a
39 contract service provider or any other person that is providing services
40 pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this
41 chapter:
42 1. To meet its duties to provide for the safety and permanency of a
43 child, provide services to a parent, guardian or custodian or provide
44 services to family members to strengthen the family pursuant to this
45 article or article 9, 10, 11, 12, 13 or 14 of this chapter.

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1 2. To enforce or prosecute any violation involving child abuse or
2 neglect or to assert the rights of the child as a victim of a crime.
3 3. To provide information to a defendant after a criminal charge
4 has been filed as required by an order of the criminal court.
5 4. To help investigate and prosecute any violation involving
6 domestic violence as defined in section 13-3601 or violent sexual assault
7 as prescribed in section 13-1423.
8 C. The department shall disclose DCS information to a court, a
9 party in a dependency or termination of parental rights proceeding or the
10 party's attorney, the foster care review board or a court appointed
11 special advocate for the purposes of and as prescribed in this title.
12 D. The department shall disclose DCS information to a domestic
13 relations, family or conciliation court if the DCS information is
14 necessary to promote the safety and well-being of children. The court
15 shall notify the parties that it has received the DCS information.
16 E. A person or agent of a person who is the subject of DCS
17 information shall have access to DCS information concerning that person.
18 F. The department may provide:
19 1. DCS information to confirm, clarify, correct or supplement
20 information concerning an allegation or actual instance of child abuse or
21 neglect that has been made public by a source or sources outside the
22 department.
23 2. DCS information to a person who is conducting bona fide
24 research, the results of which might provide DCS information that is
25 beneficial in improving the department.
26 3. Access to DCS information to the parent, guardian or custodian
27 of a child if the DCS information is reasonably necessary to promote the
28 safety, permanency and well-being of the child.
29 4. DCS information if an employee of the department has a
30 reasonable belief that exigent circumstances exist. For the purposes of
31 this paragraph, "exigent circumstances" means a condition or situation in
32 which the death of or serious injury to a child will likely result in the
33 near future without immediate intervention.
34 G. The department shall disclose DCS information to a county
35 medical examiner or an alternate medical examiner directing an
36 investigation into the circumstances surrounding a death pursuant to
37 section 11-593.
38 H. Access to DCS information in the central registry shall be
39 provided as prescribed in section 8-804.
40 I. To provide oversight of the department, the department shall
41 provide access to DCS information to the following persons, if the DCS
42 information is reasonably necessary for the person to perform the person's
43 official duties:
44 1. Federal or state auditors.

1 2. Persons conducting any accreditation deemed necessary by the
2 department.
3
4 3. A standing committee of the legislature or a committee appointed
5 by the president of the senate or the speaker of the house of
6 representatives for purposes of conducting investigations related to the
7 legislative oversight of the department. This information shall not be
8 further disclosed unless a court has ordered the disclosure of this
9 information, the information has been disclosed in a public or court
10 record, or the information has been disclosed in the course of a public
11 meeting or court proceeding.
12 4. A legislator who requests DCS information in the regular course
13 of the legislator's duties. A legislator may discuss this information
14 with another legislator if the other legislator has signed the form
15 prescribed in subdivision (d) of this paragraph in regard to the specific
16 file that will be discussed. This information shall not be further
17 disclosed unless a court has ordered the disclosure of this information,
18 the information has been disclosed in a public or court record, or the
19 information has been disclosed in the course of a public meeting or court
20 proceeding. To request a file pursuant to this paragraph:
21 (a) The legislator shall submit a written request for DCS
22 information to the presiding officer of the body of which the state
23 legislator is a member. The request shall state the name of the person
24 whose case file is to be reviewed and any other information that will
25 assist the department in locating the file. The presiding officer may
26 authorize a legislative staff member to attend with the legislator any
27 meeting to review the file.
28 (b) The presiding officer shall forward the request to the
29 department within five working days of the receipt of the request.
30 (c) The department shall make the necessary arrangements for the
31 legislator to review the file at an office of the department, chosen by
32 the legislator, within ten working days.
33 (d) The legislator and staff member shall sign a form, consistent
34 with the requirements of this paragraph and paragraph 3 of this
35 subsection, before reviewing the file, that outlines the confidentiality
36 laws governing department files and penalties for further release of the
37 information.
38 5. A citizen review panel as prescribed by federal law, a child
39 fatality review team as provided in title 36, chapter 35 and the office of
40 ombudsman-citizens aide.
41 6. An independent oversight committee established pursuant to
42 section 41-3801.
43 7. The governor who shall not disclose any information unless a
44 court has ordered the disclosure of the information, the information has
45 been disclosed in a public or court record or the information has been
disclosed in the course of a public meeting or court proceeding.

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1 8. THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY
2 OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812.
3 J. A person who has been denied DCS information regarding a
4 fatality or near fatality caused by abuse, abandonment or neglect pursuant
5 to subsection L of this section or section 8-807.01 may bring a special
6 action pursuant to section 39-121.02 in the superior court to order the
7 department to release that DCS information. A legislator has standing to
8 bring or to join a special action regarding the release of DCS information
9 or to challenge the redaction of released DCS information. The plaintiff
10 shall provide notice to the county attorney, who has standing and may
11 participate in the action. The court shall review the requested records
12 in camera and order disclosure consistent with subsections A and L of this
13 section and section 8-807.01. The court shall take reasonable steps to
14 prevent any clearly unwarranted invasions of privacy and protect the
15 privacy and dignity of victims of crime pursuant to article II, section
16 2.1, subsection C, Constitution of Arizona.
17 K. The department or a person who is not specifically authorized by
18 this section to obtain DCS information may petition a judge of the
19 superior court to order the department to release DCS information. The
20 plaintiff shall provide notice to the county attorney and to the attorney
21 and guardian ad litem for the child, who have standing and may participate
22 in the action. The court shall review the requested records in camera and
23 shall balance the rights of the parties who are entitled to
24 confidentiality pursuant to this section against the rights of the parties
25 who are seeking the release of the DCS information. The court may release
26 otherwise confidential DCS information only if the rights of the parties
27 seeking the DCS information and any benefits from releasing the DCS
28 information outweigh the rights of the parties who are entitled to
29 confidentiality and any harm that may result from releasing the DCS
30 information. The court shall take reasonable steps to prevent any clearly
31 unwarranted invasions of privacy and protect the privacy and dignity of
32 victims of crime pursuant to article II, section 2.1, subsection C,
33 Constitution of Arizona.
34 L. Except as provided in subsection M of this section, before it
35 releases records under this section or section 8-807.01, the department
36 shall take whatever precautions it determines are reasonably necessary to
37 protect the identity and safety of a person who reports child abuse or
38 neglect and to protect any other person if the department believes that
39 disclosure of the DCS information would be likely to endanger the life or
40 safety of any person. The department is not required by this section to
41 disclose DCS information if the department demonstrates that disclosure
42 would cause a specific, material harm to a department investigation. The
43 department is not required by this section to disclose DCS information if,
44 in consultation with the county attorney, the county attorney demonstrates

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1 that disclosure would cause a specific, material harm to a criminal
2 investigation or prosecution.
3 M. A person who is the subject of an unfounded report or complaint
4 made pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this
5 chapter and who believes that the report or complaint was made in bad
6 faith or with malicious intent may petition a judge of the superior court
7 to order the department to release the DCS information. The petition
8 shall specifically set forth reasons supporting the person's belief that
9 the report or complaint was made in bad faith or with malicious intent.
10 The court shall review the DCS information in camera and the person filing
11 the petition shall be allowed to present evidence in support of the
12 petition. If the court determines that there is a reasonable question of
13 fact as to whether the report or complaint was made in bad faith or with
14 malicious intent and that disclosure of the identity of the person making
15 the report or complaint would not be likely to endanger the life or safety
16 of the person making the report or complaint, it shall provide a copy of
17 the DCS information to the person filing the petition and the original DCS
18 information is subject to discovery in a subsequent civil action regarding
19 the making of the report or complaint.
20 N. The department shall provide the person who conducts a forensic
21 medical evaluation with any records the person requests, including social
22 history and family history regarding the child, the child's siblings and
23 the child's parents or guardians.
24 O. The department shall provide DCS information on request to a
25 prospective adoptive parent, foster parent or guardian, if the information
26 concerns a child the prospective adoptive parent, foster parent or
27 guardian seeks to adopt or provide care for.
28 P. If the department receives information that is confidential by
29 law, the department shall maintain the confidentiality of the information
30 as prescribed in the applicable law.
31 Q. A person may authorize the release of DCS information about the
32 person but may not waive the confidentiality of DCS information concerning
33 any other person.
34 R. The department may provide a summary of the outcome of a
35 department investigation to the person who reported the suspected child
36 abuse or neglect.
37 S. The department shall adopt rules to facilitate the accessibility
38 of DCS information.
39 T. The department or a person who receives DCS information pursuant
40 to subsection B of this section shall provide DCS information to law
41 enforcement and a court to protect the safety of any employee of the
42 department or the office of the attorney general or to protect a family
43 member of such an employee.

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1 U. A person who receives DCS information shall maintain the
2 confidentiality of the information and shall not further disclose the
3 information unless the disclosure is authorized by law or a court order.
4 V. The department may charge a fee for copying costs required to
5 prepare DCS information for release pursuant to this section or section
6 8-807.01.
7 W. A person who violates this section is guilty of a class 2
8 misdemeanor.
9 ~~X. For the purposes of this section, "DCS information" includes all~~
10 ~~information the department gathers during the course of an investigation~~
11 ~~conducted under this chapter from the time a file is opened and until it~~
12 ~~is closed. DCS information does not include information that is contained~~
13 ~~in child welfare agency licensing records.~~
14 Sec. 3. Section 12-2294, Arizona Revised Statutes, is amended to
15 read:
16 12-2294. Release of medical records and payment records to
17 ~~third parties~~
18 A. A health care provider shall disclose medical records or payment
19 records, or the information contained in medical records or payment
20 records, without the patient's written authorization as otherwise required
21 by law or when ordered by a court or tribunal of competent jurisdiction.
22 B. A health care provider may disclose medical records or payment
23 records, or the information contained in medical records or payment
24 records, pursuant to written authorization signed by the patient or the
25 patient's health care decision maker.
26 C. A health care provider may disclose medical records or payment
27 records or the information contained in medical records or payment
28 records and a clinical laboratory may disclose clinical laboratory results without
29 the written authorization of the patient or the patient's health care
30 decision maker as otherwise authorized by state or federal law, including
31 the health insurance portability and accountability act privacy standards
32 (45 Code of Federal Regulations part 160 and part 164, subpart E), or as
33 follows:
34 1. To health care providers who are currently providing health care
35 to the patient for the purpose of ~~diagnosis~~ diagnosing or ~~treatment~~ TREATING the patient.
36 2. To health care providers who have previously provided treatment
37 to the patient, to the extent that the records pertain to the provided
38 treatment.
39 3. To ambulance attendants as defined in section 36-2201 for the
40 purpose of providing care to or transferring the patient whose records are
41 requested.
42 4. To a private agency that accredits health care providers and
43 with whom the health care provider has an agreement requiring the agency
44 to protect the confidentiality of patient information.
45

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1 5. To a health profession regulatory board as defined in section
2 32-3201.
3 6. To health care providers for the purpose of conducting
4 utilization review, peer review and quality assurance pursuant to section
5 36-441, 36-445, 36-2402 or 36-2917.
6 7. To a person or entity that provides services to the patient's
7 health care providers or clinical laboratories and with whom the health
8 care provider or clinical laboratory has an agreement requiring the person
9 or entity to protect the confidentiality of patient information and as
10 required by the health insurance portability and accountability act
11 privacy standards, 45 Code of Federal Regulations part 164, subpart E.
12 8. To the legal representative of a health care provider in
13 possession of the medical records or payment records for the purpose of
14 securing legal advice.
15 9. To the patient's third party payor or the payor's contractor.
16 10. To the industrial commission of Arizona or parties to an
17 industrial commission claim pursuant to title 23, chapter 6.
18 11. TO THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY
19 OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812.
20 D. A health care provider may disclose a deceased patient's medical
21 records or payment records or the information contained in medical records
22 or payment records to the patient's health care decision maker at the time
23 of the patient's death. A health care provider also may disclose a
24 deceased patient's medical records or payment records or the information
25 contained in medical records or payment records to the personal
26 representative or administrator of the estate of a deceased patient, or if
27 a personal representative or administrator has not been appointed, to the
28 following persons in the following order of priority, unless the deceased
29 patient during the deceased patient's lifetime or a person in a higher
30 order of priority has notified the health care provider in writing that
31 the deceased patient opposed the release of the medical records or payment
32 records:
33 1. The deceased patient's spouse, unless the patient and the
34 patient's spouse were legally separated at the time of the patient's
35 death.
36 2. The acting trustee of a trust created by the deceased patient
37 either alone or with the deceased patient's spouse if the trust was a
38 revocable inter vivos trust during the deceased patient's lifetime and the
39 deceased patient was a beneficiary of the trust during the deceased
40 patient's lifetime.
41 3. An adult child of the deceased patient.
42 4. A parent of the deceased patient.
43 5. An adult brother or sister of the deceased patient.
44 6. A guardian or conservator of the deceased patient at the time of
45 the patient's death.

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1 E. A person who receives medical records or payment records
2 pursuant to this section shall not disclose those records without the
3 written authorization of the patient or the patient's health care decision
4 maker, unless otherwise authorized by law.
5 F. If a health care provider releases a patient's medical records
6 or payment records to a contractor for the purpose of duplicating or
7 disclosing the records on behalf of the health care provider, the
8 contractor shall not disclose any part or all of a patient's medical
9 records or payment records in its custody except as provided in this
10 article. After duplicating or disclosing a patient's medical records or
11 payment records on behalf of a health care provider, a contractor must
12 return the records to the health care provider who released the medical
13 records or payment records to the contractor.
14 Sec. 4. Section 36-3501, Arizona Revised Statutes, is amended to
15 read:
16 36-3501. Child fatality review team; membership; duties
17 A. The child fatality review team is established in the department
18 of health services. The team is composed of the head of the following
19 entities or that person's designee:
20 1. Attorney general.
21 2. Office of women's and children's health in the department of
22 health services.
23 3. Office of planning and health status monitoring in the
24 department of health services.
25 4. Arizona health care cost containment system.
26 5. Division of developmental disabilities in the department of
27 economic security.
28 6. Department of child safety.
29 7. Governor's office for children.
30 8. Administrative office of the courts.
31 9. Parent assistance office of the supreme court.
32 10. Department of juvenile corrections.
33 11. Arizona chapter of a national pediatric society.
34 B. The director of the department of health services shall appoint
35 the following members to serve staggered three-year terms:
36 1. A medical examiner who is a forensic pathologist.
37 2. A maternal and child health specialist involved with the
38 treatment of Native Americans.
39 3. A representative of a private nonprofit organization of tribal
40 governments in this state.
41 4. A representative of the Navajo tribe.
42 5. A representative of the United States military family advocacy
43 program.
44 6. A representative of a statewide prosecuting attorneys advisory
45 council.

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1 7. A representative of a statewide law enforcement officers
2 advisory council who is experienced in child homicide investigations.
3 8. A representative of an association of county health officers.
4 9. A child advocate who is not employed by or an officer of this
5 state or a political subdivision of this state.
6 10. A public member. If local teams are formed pursuant to this
7 article, the director of the department of health services shall select
8 this member from one of those local teams.
9 C. The team shall:
10 1. Develop a child fatalities data collection system.
11 2. Provide training to cooperating agencies, individuals and local
12 child fatality review teams on the use of the child fatalities data
13 COLLECTION system.
14 3. Conduct an annual statistical report on the incidence and causes
15 of child fatalities in this state during the past fiscal year and submit a
16 copy of this report, including its recommendations for action, to the
17 governor, the president of the senate and the speaker of the house of
18 representatives on or before November 15 of each year.
19 4. Encourage and assist in the development of local child fatality
20 review teams.
21 5. Develop standards and protocols for local child fatality review
22 teams and provide training and technical assistance to these teams.
23 6. Develop protocols for child fatality investigations, including
24 protocols for law enforcement agencies, prosecutors, medical examiners,
25 health care facilities and social service agencies.
26 7. Study the adequacy of statutes, ordinances, rules, training and
27 services to determine what changes are needed to decrease the incidence of
28 preventable child fatalities and, as appropriate, take steps to implement
29 these changes.
30 8. Provide case consultation on individual cases to local teams if
31 requested.
32 9. Educate the public regarding the incidence and causes of child
33 fatalities as well as the public's role in preventing these deaths.
34 10. Designate a team chairperson.
35 11. Develop and distribute an informational brochure that describes
36 the purpose, function and authority of a team. The brochure shall be
37 available at the offices of the department of health services.
38 12. Evaluate the incidence and causes of maternal fatalities
39 associated with pregnancy in this state. For the purposes of this
40 paragraph, "maternal fatalities associated with pregnancy" means the death
41 of a woman while she is pregnant or within one year after the end of her
42 pregnancy.
43 13. Inform the governor and the legislature of the need for
44 specific recommendations regarding unexplained infant death.

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1 14. Periodically review the infant death investigation checklist
2 developed by the department of health services pursuant to section
3 36-3506. In reviewing the checklist, the review team shall consider
4 guidelines endorsed by national infant death organizations.
5 15. ON A FINDING THAT A CHILD'S FATALITY WAS THE RESULT OF
6 MALTREATMENT, SUBMIT TO THE INDEPENDENT MALTREATMENT FATALITY AND NEAR
7 FATALITY OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812 THE CHILD'S
8 DEATH CERTIFICATE AND A NOTICE OF FINDING THAT ABUSE OR NEGLECT
9 CONTRIBUTED TO THE CHILD'S DEATH AND THAT THERE WAS AN OPEN OR CLOSED CASE
10 WITH THE DEPARTMENT OF CHILD SAFETY AT THE TIME OF THE CHILD'S DEATH.
11 D. Team members are not eligible to receive compensation, but
12 members appointed pursuant to subsection B are eligible for reimbursement
13 of expenses pursuant to title 38, chapter 4, article 2.
14 E. The department of health services shall provide professional and
15 administrative support to the team.
16 F. Notwithstanding subsections C and D of this section, this
17 section does not require expenditures above the revenue available from the
18 child fatality review fund.
19 Sec. 5. Title 41, chapter 4, Arizona Revised Statutes, is amended
20 by adding article 8, to read:
21 ARTICLE 8. INDEPENDENT MALTREATMENT
22 FATALITY AND NEAR FATALITY OVERSIGHT COMMITTEE
23 41-811. Definitions
24 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:
25 1. "CHILD" INCLUDES A QUALIFIED YOUNG ADULT.
26 2. "COMMITTEE" MEANS THE INDEPENDENT MALTREATMENT FATALITY AND NEAR
27 FATALITY OVERSIGHT COMMITTEE.
28 3. "DEPARTMENT" MEANS THE DEPARTMENT OF CHILD SAFETY.
29 4. "NEAR FATALITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
30 8-807.01.
31 5. "QUALIFIED YOUNG ADULT" HAS THE SAME MEANING PRESCRIBED IN
32 SECTION 8-201.
33 41-812. Independent maltreatment fatality and near fatality
34 oversight committee: membership
35 A. THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY
36 OVERSIGHT COMMITTEE IS ESTABLISHED IN THE DEPARTMENT OF ADMINISTRATION
37 CONSISTING OF THE FOLLOWING MEMBERS:
38 1. THE FOLLOWING ADVISORY MEMBERS:
39 (a) THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY OR THE
40 DIRECTOR'S DESIGNEE.
41 (b) THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY OR THE
42 DIRECTOR'S DESIGNEE.
43 (c) THE COCHAIRPERSONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE
44 ON THE DEPARTMENT OF CHILD SAFETY ESTABLISHED BY SECTION 41-1292 OR THEIR
45 DESIGNEES.

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1 (d) A JUVENILE COURT JUDGE WHO IS APPOINTED BY THE CHIEF JUSTICE OF
2 THE SUPREME COURT AND WHO HAS SIGNIFICANT EXPERIENCE IN CHILD DEPENDENCY
3 CASES, OR THE JUDGE'S DESIGNEE.
4 2. THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE DIRECTOR OF THE
5 DEPARTMENT OF ADMINISTRATION:
6 (a) A LICENSED PEDIATRICIAN WHO HAS PROFESSIONAL EXPERIENCE
7 RELATING TO CHILD NEGLECT AND ABUSE.
8 (b) A COUNTY MEDICAL EXAMINER.
9 (c) A PEACE OFFICER WHO HAS EXPERIENCE INVESTIGATING CHILD ABUSE
10 AND NEGLECT FATALITIES AND NEAR FATALITIES.
11 (d) A PRACTICING ATTORNEY WHO HAS EXPERIENCE REPRESENTING CHILDREN
12 IN DEPENDENCY LAW MATTERS.
13 (e) A PRACTICING SOCIAL WORKER.
14 (f) A PARENT ADVOCATE WHO HAS EXPERIENCE IN THE DEPENDENT CHILD
15 PROTECTION SYSTEM.
16 (g) A PERSON WHO IS A FORMER FOSTER CHILD.
17 (h) A CURRENTLY OR FORMERLY LICENSED FOSTER PARENT.
18 (i) A PERSON WHO HAS EXPERTISE IN DATA ANALYTICS.
19 B. MEMBERS WHO ARE SERVING PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF
20 THIS SECTION ARE NONVOTING MEMBERS AND ARE NOT MEMBERS FOR THE PURPOSES OF
21 DETERMINING IF A QUORUM IS PRESENT.
22 C. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 2
23 OF THIS SECTION MAY NOT BE CURRENT OR FORMER EMPLOYEES OF THE DEPARTMENT
24 OF CHILD SERVICES.
25 D. THE VOTING MEMBERS SHALL SELECT A CHAIRPERSON.
26 E. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 2
27 OF THIS SECTION SERVE STAGGERED THREE-YEAR TERMS. VACANCIES OCCURRING
28 OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN THE SAME MANNER FOR
29 THE REMAINDER OF THE UNEXPIRED TERM. MEMBERS MAY CONTINUE TO SERVE UNTIL
30 A SUCCESSOR IS APPOINTED.
31 F. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR
32 REIMBURSEMENT OF EXPENSES.
33 G. THE COMMITTEE MAY EMPLOY AN EXECUTIVE DIRECTOR TO ASSIST THE
34 COMMITTEE. THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE IN DEPARTMENT
35 PROCEDURES, POLICIES AND LAWS.
36 41-813. Committee: powers; duties: annual report
37 THE COMMITTEE SHALL:
38 1. CONDUCT A THOROUGH REVIEW OF EACH CHILD MALTREATMENT FATALITY OR
39 NEAR FATALITY. THE REVIEW SHALL INCLUDE:
40 (a) A REVIEW OF ALL AVAILABLE CASE RECORDS RELATING TO CHILD
41 FATALITIES OR NEAR FATALITIES IN WHICH CHILD MALTREATMENT IS SUSPECTED AND
42 IN WHICH THE CHILD, A PARENT, A CAREGIVER, A SIBLING OR A HOUSEHOLD MEMBER
43 WAS THE SUBJECT OF A CURRENT OR PREVIOUS DEPARTMENT INVESTIGATION.

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1 (b) INTERVIEWS WITH EMPLOYEES OF THIS STATE OR ITS POLITICAL
2 SUBDIVISIONS WHO ARE INVOLVED WITH, WHO HAVE BEEN INVOLVED WITH OR WHO MAY
3 HAVE KNOWLEDGE OF THE CIRCUMSTANCES AND FACTS OF THE CASE OR OF ANY
4 SERVICES PROVIDED BY THE DEPARTMENT, ANY STATE AGENCY OR ANY POLITICAL
5 SUBDIVISION OF THIS STATE TO THE CHILD OR THE CHILD'S PARENTS, SIBLINGS,
6 GUARDIANS OR CAREGIVERS.
7 2. INFORM THE CHILD'S PARENTS, GUARDIAN OR CAREGIVER THAT THE
8 COMMITTEE HAS COMMENCED A FATALITY OR NEAR FATALITY REVIEW. THE COMMITTEE
9 MAY NOT COMPEL A PARENT, GUARDIAN OR CAREGIVER TO PROVIDE INFORMATION TO
10 THE COMMITTEE. THE COMMITTEE SHALL INFORM THE PARENTS, GUARDIAN OR
11 CAREGIVER OF THE RIGHT TO PRESENT ANY INFORMATION TO THE COMMITTEE THAT
12 THE PARENTS, GUARDIAN OR CAREGIVER BELIEVES WILL ASSIST THE COMMITTEE WITH
13 THE COMMITTEE'S REVIEW.
14 3. DEVELOP AN UNDERSTANDING OF THE CIRCUMSTANCES SURROUNDING A
15 CHILD MALTREATMENT FATALITY OR NEAR FATALITY AND THE CAUSES OF AND
16 RESPONSES FOLLOWING A CHILD MALTREATMENT FATALITY OR NEAR FATALITY AND
17 IDENTIFY FACTORS THAT MAY HAVE CONTRIBUTED TO THE CHILD MALTREATMENT
18 FATALITY OR NEAR FATALITY.
19 4. CRITICALLY ANALYZE THE CHILD SAFETY SYSTEM AS THE SYSTEM
20 INTERACTED WITH THE CHILD AND THE CHILD'S FAMILY FOR EACH FATALITY OR NEAR
21 FATALITY TO IDENTIFY IMPROVEMENTS THAT COULD MITIGATE FUTURE CHILD
22 MALTREATMENT FATALITIES OR NEAR FATALITIES, INCLUDING:
23 (a) THE FAILURE TO COMPLY WITH APPLICABLE STATUTES, RULES AND
24 POLICIES.
25 (b) THE EXTENT OF THE CHILD'S AND THE CHILD'S FAMILY'S PRIOR
26 INVOLVEMENT WITH THE CHILD SAFETY SYSTEM.
27 (c) SYSTEMATIC FACTORS THAT MAY HAVE CONTRIBUTED TO THE CHILD
28 MALTREATMENT FATALITY OR NEAR FATALITY, INCLUDING THE ADEQUACY OF
29 INTERAGENCY COORDINATION AND COMMUNICATION.
30 5. IDENTIFY BEST PRACTICES AND SERVICES THAT MAY HAVE PREVENTED THE
31 CHILD MALTREATMENT FATALITY OR NEAR FATALITY.
32 6. MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE. THE WEBSITE SHALL
33 INCLUDE:
34 (a) BIOGRAPHICAL INFORMATION FOR ALL MEMBERS OF THE COMMITTEE.
35 (b) ALL ANNUAL REPORTS.
36 (c) REPORTS OF STATUTORY, REGULATORY OR POLICY RECOMMENDATIONS MADE
37 TO THE LEGISLATURE OR ANY STATE AGENCY AND ANY ACTIONS TAKEN BY THE
38 LEGISLATURE OR A STATE AGENCY IN RESPONSE TO THESE RECOMMENDATIONS.
39 (d) ANNUAL DATA AND TRENDS ANALYZED AND PRESENTED IN A MANNER
40 ACCESSIBLE TO THE PUBLIC.
41 7. ANALYZE AND PUBLISH ANNUAL DATA AND TRENDS RELATED TO
42 OBSERVATIONS MADE DURING INDIVIDUAL FATALITY AND NEAR FATALITY REVIEWS
43 CONDUCTED DURING THE CURRENT FISCAL YEAR AND FOR EACH PRIOR FISCAL YEAR
44 FOR WHICH THERE IS DATA. THE COMMITTEE SHALL MAINTAIN A TEN-YEAR
45 ANALYSIS.

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1 8. ON OR BEFORE JUNE 30 OF EACH YEAR, PRODUCE, PUBLISH AND
2 DISTRIBUTE AN ANNUAL CHILD MALTREATMENT FATALITY OR NEAR FATALITY REPORT
3 THAT INCLUDES ALL OF THE FOLLOWING:
4 (a) INFORMATION THAT DETAILS THE SPECIFIC FACTS AND CIRCUMSTANCES
5 OF EACH CASE INVOLVING A CHILD MALTREATMENT FATALITY OR NEAR FATALITY
6 DURING THE PRIOR YEAR AND THE SERVICES AND RESOURCES PROVIDED TO THE
7 CHILD, THE CHILD'S SIBLINGS, THE CHILD'S PARENTS, GUARDIANS OR CAREGIVERS
8 AND HOUSEHOLD MEMBERS.
9 (b) A CASE-SPECIFIC SYSTEMATIC REVIEW OF THE FACTS AND FINDINGS
10 HIGHLIGHTING THE SYSTEM'S STRENGTHS, SUCCESSSES, WEAKNESSES AND FAILURES.
11 (c) LONGITUDINAL DATA IDENTIFYING COMMONLY OCCURRING CIRCUMSTANCES
12 RELATED TO FATALITIES AND NEAR FATALITIES AND THE SERVICES BEING OFFERED
13 TO THE CHILD OR THE CHILD'S FAMILY AND BEING RECEIVED BY THE CHILD OR THE
14 CHILD'S FAMILY.
15 (d) SPECIFIC RECOMMENDATIONS FOR IMPROVING STATUTES, RULES AND
16 POLICIES BASED ON THE REVIEWS CONDUCTED DURING THE PRECEDING YEAR. THESE
17 RECOMMENDATIONS SHALL ADDRESS ALL ASPECTS OF CHILD PROTECTION AND SHALL
18 FOLLOW UP ON RECOMMENDATIONS FROM PRIOR REPORTS.
19 (e) A LIST OF ALL RECOMMENDATIONS THAT WERE SUBMITTED TO THE
20 DEPARTMENT, A STATE AGENCY AND THE LEGISLATURE ALONG WITH THE RESPONSES
21 RECEIVED.
22 (f) AN ANALYSIS OF FISCAL TRENDS.
23 9. POST THE ANNUAL CHILD FATALITY OR NEAR FATALITY REPORT ON THE
24 COMMITTEE'S WEBSITE. THE REPORT SHALL NOT CONTAIN ANY PERSONAL
25 IDENTIFYING INFORMATION. THE REPORT SHALL BE EASILY ACCESSIBLE ON THE
26 WEBSITE.
27 10. SUBMIT A COPY OF THE ANNUAL CHILD FATALITY OR NEAR FATALITY
28 REPORT TO THE GOVERNOR, THE SECRETARY OF STATE, THE PRESIDENT OF THE
29 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE COCHAIRPERSONS OF
30 THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD
31 SAFETY, THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY, THE DIRECTOR OF
32 THE DEPARTMENT OF HEALTH SERVICES AND THE DIRECTOR OF THE DEPARTMENT OF
33 ECONOMIC SECURITY.
34 41-814. Access to records and information: confidentiality.
35 violation; classification
36 A. THE COMMITTEE SHALL HAVE ONGOING ACCESS TO COMPLETE AND
37 UNREDACTED RECORDS IN THE CUSTODY OF THE DEPARTMENT AND DIRECT REMOTE
38 ACCESS TO ANY AUTOMATED CASE MANAGEMENT SYSTEM USED BY THE DEPARTMENT.
39 B. THE COMMITTEE SHALL HAVE ACCESS TO RELEVANT RECORDS AND
40 INFORMATION CREATED BY ANY STATE AGENCY, EDUCATIONAL INSTITUTION OR
41 MEDICAL PROVIDER OF THE CHILD, THE CHILD'S SIBLINGS, THE CHILD'S PARENTS,
42 GUARDIANS OR CAREGIVERS AND HOUSEHOLD MEMBERS.

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1 C. ON REQUEST OF THE COMMITTEE CHAIRPERSON OR THE CHAIRPERSON'S
2 DESIGNEE TO ANY ENTITY OR AGENCY, THE COMMITTEE, WITHIN FIVE DAYS
3 EXCLUDING WEEKENDS AND HOLIDAYS, SHALL BE PROVIDED WITH ACCESS TO
4 INFORMATION AND RECORDS REGARDING A CHILD MALTREATMENT FATALITY OR NEAR
5 FATALITY OR INFORMATION AND RECORDS REGARDING THE CHILD'S SIBLINGS, THE
6 CHILD'S PARENTS, GUARDIANS OR CAREGIVERS AND HOUSEHOLD MEMBERS.
7 D. A LAW ENFORCEMENT AGENCY, WITH THE APPROVAL OF THE PROSECUTING
8 ATTORNEY, MAY WITHHOLD INVESTIGATIVE RECORDS THAT INTERFERE WITH A PENDING
9 CRIMINAL INVESTIGATION OR PROSECUTION.
10 E. THE COMMITTEE CHAIRPERSON OR THE CHAIRPERSON'S DESIGNEE MAY
11 APPLY TO THE SUPERIOR COURT FOR A SUBPOENA AS NECESSARY TO COMPEL THE
12 PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND OTHER EVIDENCE RELATED TO A
13 CHILD MALTREATMENT FATALITY OR A NEAR FATALITY. SUBPOENAS ISSUED SHALL BE
14 SERVED AND, ON APPLICATION TO THE COURT BY THE CHAIRPERSON OR THE
15 CHAIRPERSON'S DESIGNEE, ENFORCED IN THE MANNER PROVIDED BY LAW FOR THE
16 SERVICE AND ENFORCEMENT OF SUBPOENAS. A LAW ENFORCEMENT AGENCY IS NOT
17 REQUIRED TO PRODUCE THE INFORMATION REQUESTED UNDER THE SUBPOENA IF THE
18 SUBPOENAED EVIDENCE RELATES TO A PENDING CRIMINAL INVESTIGATION OR
19 PROSECUTION.
20 F. ALL INFORMATION AND RECORDS ACQUIRED BY THE COMMITTEE ARE
21 CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION
22 INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING, EXCEPT THAT
23 INFORMATION, DOCUMENTS AND RECORDS OTHERWISE AVAILABLE FROM OTHER SOURCES
24 ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE
25 THROUGH THOSE SOURCES SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY
26 THE COMMITTEE.
27 G. MEMBERS OF THE COMMITTEE, PERSONS ATTENDING A COMMITTEE MEETING
28 AND PERSONS WHO PRESENT INFORMATION TO THE COMMITTEE MAY NOT BE QUESTIONED
29 IN ANY CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR
30 OPINIONS FORMED AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT
31 PREVENT A PERSON FROM TESTIFYING TO INFORMATION THAT IS OBTAINED
32 INDEPENDENTLY OF THE TEAM OR THAT IS PUBLIC INFORMATION.
33 H. COMMITTEE MEETINGS IN WHICH THE COMMITTEE IS REVIEWING THE FACTS
34 AND CIRCUMSTANCES OF A CHILD MALTREATMENT FATALITY OR NEAR FATALITY ARE
35 CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 38, CHAPTER 3,
36 ARTICLE 3.1. ALL OTHER TEAM MEETINGS ARE OPEN TO THE PUBLIC.
37 I. A PERSON WHO VIOLATES THE CONFIDENTIALITY REQUIREMENTS OF THIS
38 SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.
39 41-815. Committee access to case records
40 THE DEPARTMENT OF CHILD SAFETY SHALL NOTIFY THE COMMITTEE WITHIN
41 FORTY-EIGHT HOURS AFTER CONFIRMING THE FACT THAT A CHILD SUFFERED A
42 FATALITY OR NEAR FATALITY AS A RESULT OF ABUSE, ABANDONMENT OR NEGLECT.
43 ON REQUEST OF THE COMMITTEE, THE DEPARTMENT, WITHIN FIVE DAYS, EXCLUDING
44 WEEKENDS AND HOLIDAYS, SHALL PROVIDE THE COMMITTEE ACCESS TO COMPLETE AND

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1 UNREDACTED RECORDS RELATED TO THE CASE UNDER REVIEW, UNLESS EXPRESSLY

2 PROHIBITED BY LAW.

3 Sec. 6. Section 41-3024.14, Arizona Revised Statutes, is amended to

4 read:

5 41-3024.14. Department of administration: termination July 1,

6 2024

7 A. The department of administration terminates on July 1, 2024.

8 B. Title 41, chapter 4, articles 1, 2, 3, 4, 5, ~~and~~ 7 and 8 AND

9 title 18, chapter 1 are repealed on January 1, 2025.

10 Sec. 7. Initial terms of independent maltreatment fatality

11 ~~and near fatality oversight committee~~

12 A. Notwithstanding section 41-812, Arizona Revised Statutes, as

13 added by this act, the initial terms of members of the independent

14 maltreatment fatality and near fatality oversight committee who are

15 appointed pursuant to section 41-812, subsection A, paragraph 2, Arizona

16 Revised Statutes, as added by this act, are:

17 1. Three terms ending January 1, 2026.

18 2. Three terms ending January 1, 2027.

19 3. Three terms ending January 1, 2028.

20 B. The director of the department of administration shall make all

21 subsequent appointments as prescribed by statute.

22 Sec. 8. Purpose

23 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,

24 the legislature establishes the independent maltreatment fatality and near

25 fatality oversight committee to review fatalities and near fatalities

26 resulting from abuse and neglect and to lead to greater understanding of

27 the causes of and methods of preventing maltreatment fatalities or near

28 fatalities.

29 Sec. 9. Effective date

30 This act is effective from and after June 30, 2024.

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTION 13-3729, ARIZONA REVISED STATUTES; RELATING TO THE UNLAWFUL OPERATION OF MODEL OR UNMANNED AIRCRAFT.

AN ACT

SENATE BILL 1277

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed
~~unmanned aircraft; photography; loitering prohibited~~
(now: unmanned aircraft; photography; private place)

S.B. 1277

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3729, Arizona Revised Statutes, is amended to
3 read:
4 13-3729. Unlawful operation of model or unmanned aircraft;
5 state preemption; classification; definitions
6 A. It is unlawful for a person to operate a model aircraft or a
7 civil unmanned aircraft if the operation:
8 1. Is prohibited by a federal law or regulation that governs
9 aeronautics, including federal aviation administration regulations.
10 2. Interferes with a law enforcement, firefighting or emergency
11 services operation.
12 B. It is unlawful for a person to operate or use an unmanned
13 aircraft or unmanned aircraft system to DO EITHER OF THE FOLLOWING:
14 1. Intentionally photograph or loiter over or near a critical
15 facility in the furtherance of any criminal offense.
16 2. EXCEPT AS OTHERWISE AUTHORIZED BY LAW, INTENTIONALLY PHOTOGRAPH,
17 RECORD OR OTHERWISE OBSERVE ANOTHER PERSON IN A PRIVATE PLACE WHERE THE
18 PERSON HAS A REASONABLE EXPECTATION OF PRIVACY.
19 C. Except as authorized by law, a city, town or county may not
20 enact or adopt any ordinance, policy or rule that relates to the ownership
21 or operation of an unmanned aircraft or unmanned aircraft system or
22 otherwise engage in the regulation of the ownership or operation of an
23 unmanned aircraft or an unmanned aircraft system. Any ordinance, policy
24 or rule that violates this subsection, whether enacted or adopted by the
25 city, town or county before or after August 6, 2016, is void.
26 D. SUBSECTION A AND SUBSECTION B, PARAGRAPH 1 OF this section ~~does~~
27 DO NOT:
28 1. apply to a person or entity that is authorized or allowed by the
29 federal aviation administration to operate or use an unmanned aircraft
30 system if the person's operation or use complies with the
31 authorization granted to the person or entity or with federal aviation
32 administration rules.
33 E. SUBSECTION B, PARAGRAPH 2 OF THIS SECTION DOES NOT APPLY TO A
34 PERSON OR ENTITY THAT IS AUTHORIZED OR ALLOWED BY THE PERSON IN THE
35 PRIVATE PLACE TO OPERATE OR USE AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT
36 SYSTEM.
37 F. THIS SECTION DOES NOT:
38 1. Prohibit a city, town or county from enacting or adopting
39 ordinances or rules on the operation or use of a public unmanned aircraft
40 that is owned by the city, town or county.
41 2. Prohibit a city, town or county from enacting or adopting
42 ordinances or rules that regulate the takeoff or landing of a model
43 aircraft in a park or preserve owned by the city, town or county if:
44 (a) There are other parks or preserves that are within the city,
45 town or county and that are available for model aircraft operation.

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1 (b) The city, town or county only has one park or preserve that is
2 within the city, town or county.
3
4 3. Apply to the operation of an unmanned aircraft, including a
5 public unmanned aircraft, by a first responder as defined in section
6 36-661 while acting in the first responder's official capacity or an
7 emergency worker while engaged in or supporting authorized emergency
8 management activities or performing emergency functions pursuant to title
9 26, chapter 2.
10 F. G. A violation of subsection B of this section is a class 6
11 felony, except that a second or subsequent violation is a class 5 felony.
12 A violation of subsection A of this section is a class 1 misdemeanor.
13 F. H. For the purposes of this section:
14 1. "Civil unmanned aircraft" means an unmanned aircraft or unmanned
15 aircraft system that is operated by a person for any purpose other than
16 strictly for hobby or recreational purposes, including commercial
17 purposes, or in furtherance of or incidental to any business or media
18 service or agency.
19 2. "Commercial purposes" means the use of an unmanned aircraft in
20 return for financial compensation and includes aerial photography, aerial
21 mapping or geospatial imaging.
22 3. "Critical facility" means any of the following:
23 (a) A petroleum or alumina refinery.
24 (b) A petroleum, chemical or rubber production, transportation,
25 storage or processing facility.
26 (c) A chemical manufacturing facility.
27 (d) A water or wastewater treatment facility and water development,
28 distribution or conveyance system, including a dam.
29 (e) An electric generation facility, as defined in section
30 42-14156, and any associated substation or switchyard.
31 (f) An electrical transmission or distribution substation.
32 (g) An electrical transmission line of at least sixty-nine thousand
33 volts.
34 (h) An electronic communication station or tower.
35 (i) An energy control center.
36 (j) A distribution operating center.
37 (k) A facility that transfers or distributes natural gas, including
38 a compressor station, regulator station, city gate station or pressure
39 limiting station or a liquefied natural gas facility or supplier tap
40 facility.
41 (l) Any railroad infrastructure or facility.
42 (m) A federal, state, county or municipal court.
43 (n) A public safety or emergency operation facility.
44 (o) A federal, state, county or municipal jail or prison or other
45 facility in which persons are incarcerated.
46 (p) A federal or state military installation or facility.

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- 1 (q) A hospital that receives air ambulance services.
- 2 4. "Model aircraft" has the same meaning prescribed in section 336
- 3 of the FAA modernization and reform act of 2012 (P.L. 112-95), as amended.
- 4 5. "Person" means a corporation, firm, partnership, association,
- 5 individual or organization or any other group acting as a unit.
- 6 6. "Public unmanned aircraft" means an unmanned aircraft or
- 7 unmanned aircraft system that is operated by a public agency for a
- 8 government-related purpose.
- 9 7. "Unmanned aircraft" means an aircraft, including an aircraft
- 10 commonly known as a drone, that is operated without the possibility of
- 11 direct human intervention from within or on the aircraft.
- 12 8. "Unmanned aircraft system" means an unmanned aircraft and
- 13 associated elements, including any communication links and components that
- 14 control the unmanned aircraft.

:Ad-dendum - 52

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1610.03; RELATING TO THE STATE DEPARTMENT OF
CORRECTIONS.

AN ACT

SENATE BILL 1290
CHAPTER 69

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed
Immates; documentation; workforce reentry.

S.B. 1290

1 Be it enacted by the legislature of the State of Arizona:
2 Section 1. Title 41, chapter 11, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-1610.03, to read:
4 41-1610.03. Inmates: workforce and reentry: documentation:
5 rules
6 A. THE STATE DEPARTMENT OF CORRECTIONS SHALL PROVIDE AN INMATE WHO
7 IS DISCHARGED FROM IMPRISONMENT FOR A FELONY OFFENSE AND WHO INTENDS TO
8 RESIDE IN THIS STATE WITH RELEVANT DOCUMENTATION TO ASSIST THE INMATE IN
9 OBTAINING POSTRELEASE EMPLOYMENT AND SHALL COORDINATE WITH THE DEPARTMENT
10 OF TRANSPORTATION TO REPLACE THE INMATE'S CURRENT NONOPERATING
11 IDENTIFICATION LICENSE OR DRIVER LICENSE, IF APPLICABLE, OR TO PROVIDE THE
12 INMATE WITH A NONOPERATING IDENTIFICATION LICENSE IF THE INMATE DOES NOT
13 POSSESS A CURRENT NONOPERATING IDENTIFICATION LICENSE OR DRIVER LICENSE.
14 B. NINE MONTHS BEFORE AN INMATE'S RELEASE FROM CUSTODY, THE STATE
15 DEPARTMENT OF CORRECTIONS, IN COORDINATION WITH THE DEPARTMENT OF
16 TRANSPORTATION, SHALL DETERMINE WHETHER THE INMATE POSSESSES A CURRENT AND
17 VALID NONOPERATING IDENTIFICATION LICENSE OR DRIVER LICENSE. IF THE
18 INMATE DOES NOT POSSESS A CURRENT AND VALID NONOPERATING IDENTIFICATION
19 LICENSE OR DRIVER LICENSE, THE STATE DEPARTMENT OF CORRECTIONS SHALL BEGIN
20 GATHERING THE DOCUMENTATION THAT IS REQUIRED FOR OBTAINING A NONOPERATING
21 IDENTIFICATION LICENSE.
22 C. THE STATE DEPARTMENT OF CORRECTIONS, IN COORDINATION WITH THE
23 DEPARTMENT OF TRANSPORTATION, SHALL PROVIDE A NONOPERATING IDENTIFICATION
24 LICENSE TO EACH ELIGIBLE INMATE, ON RELEASE FROM CUSTODY, WHO DOES NOT
25 POSSESS A CURRENT AND VALID NONOPERATING IDENTIFICATION LICENSE OR DRIVER
26 LICENSE. A NONOPERATING IDENTIFICATION LICENSE OR DRIVER LICENSE THAT IS
27 ISSUED TO AN INMATE PURSUANT TO THIS SECTION SHALL BE ISSUED, REPLACED,
28 CANCELED AND DENIED IN THE SAME MANNER AS A NONOPERATING IDENTIFICATION
29 LICENSE OR A DRIVER LICENSE PURSUANT TO TITLE 28, CHAPTER 8, ARTICLE 4.
30 D. THE DEPARTMENT OF TRANSPORTATION SHALL ALLOW COPIES OF BIRTH
31 CERTIFICATES ALONG WITH A STATE DEPARTMENT OF CORRECTIONS ISSUED RECORD
32 CARD TO SERVE AS A VALID FORM OF PHOTO IDENTIFICATION TO OBTAIN A
33 NONOPERATING IDENTIFICATION LICENSE OR DRIVER LICENSE PURSUANT TO
34 SUBSECTION C OF THIS SECTION.
35 E. THE STATE DEPARTMENT OF CORRECTIONS SHALL PROVIDE ANY INMATE WHO
36 HAS SERVED IN THE UNITED STATES MILITARY WITH THE CONTACT INFORMATION OF
37 THE DEPARTMENT OF VETERANS' SERVICES ALONG WITH THE DEPARTMENT OF
38 VETERANS' SERVICES VETERAN BENEFITS GUIDE.
39 F. THE STATE DEPARTMENT OF CORRECTIONS MAY USE ANY MONIES AVAILABLE
40 TO COVER THE COSTS ASSOCIATED WITH IMPLEMENTING AND ADMINISTERING THIS
41 SECTION AND TO PAY FEES ASSOCIATED WITH ISSUING A NONOPERATING
42 IDENTIFICATION LICENSE OR DRIVER LICENSE, INCLUDING INMATE TRUST FUND
43 MONIES, EXISTING DEPARTMENT FUND MONIES AND DONATIONS.

S.B. 1290

1 G. TO ASSIST AN INMATE IN OBTAINING POSTRELEASE EMPLOYMENT, THE
2 STATE DEPARTMENT OF CORRECTIONS SHALL PROVIDE THE INMATE WITH THE
3 FOLLOWING DOCUMENTATION:
4 1. A COPY OF THE INMATE'S VOCATIONAL TRAINING RECORD, IF
5 APPLICABLE.
6 2. A COPY OF THE INMATE'S WORK RECORD, IF APPLICABLE.
7 3. A CERTIFIED COPY OF THE INMATE'S BIRTH CERTIFICATE, IF
8 OBTAINABLE.
9 4. A SOCIAL SECURITY CARD OR A REPLACEMENT SOCIAL SECURITY CARD, IF
10 OBTAINABLE.
11 5. A RESUME THAT INCLUDES ANY TRADE LEARNED BY THE INMATE AND THE
12 INMATE'S PROFICIENCY AT THAT TRADE.
13 6. DOCUMENTATION THAT THE INMATE HAS COMPLETED A MOCK JOB
14 INTERVIEW.
15 H. THE STATE DEPARTMENT OF CORRECTIONS SHALL NOTIFY AN INMATE IF
16 THE INMATE IS ELIGIBLE TO APPLY FOR A LICENSE OR CERTIFICATE FROM A STATE
17 AGENCY THAT OVERSEES OCCUPATIONAL LICENSES OR CERTIFICATIONS.
18 I. SUBSECTION G, PARAGRAPHS 5 AND 6 DO NOT APPLY TO INMATES WHO ARE
19 ANY OF THE FOLLOWING:
20 1. SIXTY-FIVE YEARS OF AGE OR OLDER.
21 2. BEING RELEASED FOR MEDICAL REASONS OR WHO ARE BEING DISCHARGED
22 FROM A PRISON INFIRMARY.
23 3. BEING RELEASED TO THE CUSTODY OF ANOTHER JURISDICTION ON A
24 WARRANT OR DETAINER.
25 4. DETERMINED BY THE STATE DEPARTMENT OF CORRECTIONS TO BE
26 PHYSICALLY OR MENTALLY UNABLE TO RETURN TO THE WORKFORCE ON RELEASE FROM
27 INCARCERATION.
28 J. THE STATE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF HEALTH
29 SERVICES AND THE DEPARTMENT OF TRANSPORTATION MAY ADOPT RULES TO IMPLEMENT
30 THIS SECTION.
31 Sec. 2. Effective date
32 Section 41-1610.03, Arizona Revised Statutes, as added by this act,
33 is effective from and after December 31, 2023.

APPROVED BY THE GOVERNOR APRIL 18, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2023.

:Ad-dendum - 53

:Ad-dendum - 53

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(TEXT OF BILL BEGINS ON NEXT PAGE)

RELATING TO LAW ENFORCEMENT MISCONDUCT INVESTIGATIONS.

AN ACT

SENATE BILL 1301

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

House Engrossed Senate Bill
~~Law enforcement investigations; applicability~~
(now: misconduct investigations; time limit; applicability)

S.B. 1301

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Law enforcement misconduct investigations: time
3 limit; applicability; delayed repeal
4 A. Notwithstanding section 38-1110, Arizona Revised Statutes, if an
5 employer received notice of an allegation of employee misconduct by a
6 person authorized by the employer to initiate an investigation of the
7 misconduct before September 24, 2022:
8 1. The employer shall complete the investigation within one year
9 after the effective date of this section.
10 2. Except as provided in subsection B of this section, if the
11 employer does not complete the investigation within one year after the
12 effective date of this section, the investigation is dismissed.
13 B. This section does not apply to:
14 1. Investigations under section 38-1110, Arizona Revised Statutes,
15 for which an employer received notice of an allegation of employee
16 misconduct by a person authorized by the employer to initiate an
17 investigation of the misconduct on or after September 24, 2022.
18 2. Investigations that are suspended pursuant to section 38-1110,
19 subsection D, paragraphs 1, 2 and 3, Arizona Revised Statutes.
20 C. This section is repealed from and after December 31, 2024.

:Ad-dendum - 54

:Ad-dendum - 54

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(TEXT OF BILL BEGINS ON NEXT PAGE)

REPEALING SECTIONS 15-711.01 AND 15-717.02, ARIZONA REVISED STATUTES;
AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING NEW SECTIONS 15-711.01 AND 15-717.02; RELATING TO CURRICULUM.

AN ACT

SENATE BILL 1305

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed
race: ethnicity; prohibited instruction.

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Repeal
3 Sections 15-711.01 and 15-717.02, Arizona Revised Statutes, are
4 repealed.
5 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes,
6 is amended by adding new sections 15-711.01 and 15-717.02, to read:
7 15-711.01. Instruction: child assault awareness: abuse
8 prevention
9 NOTWITHSTANDING ANY OTHER LAW, AGE-APPROPRIATE AND GRADE-APPROPRIATE
10 CLASSROOM INSTRUCTION REGARDING CHILD ASSAULT AWARENESS AND ABUSE
11 PREVENTION IS ALLOWED.
12 15-717.02. Prohibited instruction: legal action: civil
13 penalty: disciplinary action: definitions
14 A. A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY OR AN EMPLOYEE
15 OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY MAY NOT PROVIDE OR
16 ALLOW ANY PERSON TO PROVIDE INSTRUCTION TO STUDENTS OR EMPLOYEES THAT
17 PROMOTES OR ADVOCATES FOR ANY OF THE FOLLOWING CONCEPTS:
18 1. JUDGING AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S RACE OR
19 ETHNICITY.
20 2. THAT ONE RACE OR ETHNIC GROUP IS INHERENTLY MORALLY OR
21 INTELLECTUALLY SUPERIOR TO ANOTHER RACE OR ETHNIC GROUP.
22 3. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR
23 ETHNICITY, IS INHERENTLY RACIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR
24 UNCONSCIOUSLY.
25 4. THAT AN INDIVIDUAL SHOULD BE INDIVIDUALLY DISCRIMINATED AGAINST
26 OR RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S
27 RACE OR ETHNICITY.
28 5. THAT AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE
29 INDIVIDUAL'S RACE OR ETHNICITY.
30 6. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR
31 ETHNICITY, BEARS RESPONSIBILITY OR BLAME FOR ACTIONS COMMITTED BY OTHER
32 MEMBERS OF THE SAME RACE OR ETHNIC GROUP.
33 7. THAT ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD
34 WORK ETHIC ARE RACIST OR WERE CREATED BY MEMBERS OF A PARTICULAR RACE OR
35 ETHNIC GROUP TO OPPRESS MEMBERS OF ANOTHER RACE OR ETHNIC GROUP.
36 B. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
37 SCHOOL DISTRICT OR STATE AGENCY MAY FILE A COMPLAINT WITH AN APPROPRIATE
38 ADMINISTRATOR DESIGNATED BY THE PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE
39 AGENCY IF THE STUDENT OR EMPLOYEE RECEIVES INSTRUCTION THAT ALLEGEDLY
40 VIOLATES SUBSECTION A OF THIS SECTION. A STUDENT, EMPLOYEE OR PARENT OF A
41 STUDENT OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY MAY NOT FILE
42 MORE THAN ONE COMPLAINT UNDER THIS SUBSECTION IN ANY THIRTY-DAY PERIOD. A
43 COMPLAINT MAY IDENTIFY MULTIPLE ALLEGED VIOLATIONS OF THIS SECTION. THE
44 DESIGNATED ADMINISTRATOR SHALL DETERMINE IN WRITING WHETHER THE VIOLATION
45 OCCURRED AND, IF A VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT WITHIN

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1 SIXTY DAYS AFTER RECEIVING THE COMPLAINT. FOR THE PURPOSES OF THIS
2 SUBSECTION, THE DESIGNATED ADMINISTRATOR OF:
3 1. A SCHOOL DISTRICT OR A SCHOOL OPERATED BY A SCHOOL DISTRICT IS
4 THE SCHOOL DISTRICT SUPERINTENDENT.
5 2. A CHARTER SCHOOL IS THE CHARTER SCHOOL OPERATOR.
6 C. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
7 SCHOOL DISTRICT OR STATE AGENCY MAY APPEAL A DETERMINATION MADE OR ACTION
8 TAKEN UNDER SUBSECTION B OF THIS SECTION BY A SCHOOL DISTRICT
9 SUPERINTENDENT OR CHARTER SCHOOL OPERATOR BY FILING A COMPLAINT WITH THE
10 SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY. THE
11 SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY SHALL
12 HOLD A HEARING TO DETERMINE WHETHER THE VIOLATION OCCURRED AND, IF A
13 VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT WITHIN THIRTY DAYS AFTER
14 RECEIVING THE COMPLAINT. ANY DETERMINATION MADE UNDER THIS SUBSECTION
15 MUST INCLUDE AN EXPLANATION OF THE DETERMINATION.
16 D. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
17 SCHOOL DISTRICT OR STATE AGENCY MAY FILE A COMPLAINT WITH THE STATE BOARD
18 OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR AN ALLEGED
19 VIOLATION OF THIS SECTION AFTER THE PUBLIC SCHOOL, SCHOOL DISTRICT OR
20 STATE AGENCY THAT IS THE SUBJECT OF THE COMPLAINT HAS HAD THE OPPORTUNITY
21 TO RESOLVE THE COMPLAINT AS PRESCRIBED IN SUBSECTIONS B AND C OF THIS
22 SECTION.
23 E. IF THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC
24 INSTRUCTION DETERMINES THAT A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE
25 AGENCY IS IN VIOLATION OF SUBSECTION A OF THIS SECTION, THE STATE BOARD OR
26 THE SUPERINTENDENT SHALL NOTIFY THE PUBLIC SCHOOL, SCHOOL DISTRICT OR
27 STATE AGENCY THAT IT IS IN VIOLATION OF SUBSECTION A OF THIS SECTION AND
28 MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$5,000 FOR EACH VIOLATION. IF
29 THE STATE BOARD OR THE SUPERINTENDENT DETERMINES THAT THE PUBLIC SCHOOL,
30 SCHOOL DISTRICT OR STATE AGENCY HAS FAILED TO CORRECT THE VIOLATION WITHIN
31 THIRTY DAYS AFTER NOTICE IS ISSUED PURSUANT TO THIS SUBSECTION, THE STATE
32 BOARD OR THE SUPERINTENDENT SHALL IMPOSE A CIVIL PENALTY OF NOT MORE THAN
33 \$5,000 FOR EACH DAY THE VIOLATION CONTINUES AFTER THE THIRTY-DAY PERIOD.
34 ACTIONS TAKEN UNDER THIS SUBSECTION ARE SUBJECT TO APPEAL PURSUANT TO
35 TITLE 41, CHAPTER 6, ARTICLE 10.
36 F. A CERTIFICATED PERSON OR A NONCERTIFICATED PERSON AS DEFINED IN
37 SECTION 15-505 WHO VIOLATES SUBSECTION A OF THIS SECTION MAY BE SUBJECT TO
38 DISCIPLINARY ACTION PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH
39 20, INCLUDING THE SUSPENSION OR REVOCATION OF THE PERSON'S CERTIFICATE OR
40 DISCIPLINARY ACTION DESCRIBED IN SECTION 15-505, AS THE STATE BOARD OF
41 EDUCATION DEEMS APPROPRIATE.
42 G. THIS SECTION DOES NOT PREVENT AN EMPLOYEE OF A PUBLIC SCHOOL,
43 SCHOOL DISTRICT OR STATE AGENCY OR ANY PERSON WHO IS INVITED TO A PUBLIC
44 SCHOOL, SCHOOL DISTRICT OR STATE AGENCY TO PROVIDE INSTRUCTION TO STUDENTS
45 OR EMPLOYEES FROM IDENTIFYING AND DISCUSSING HISTORICAL MOVEMENTS.

S.B. 1305

1 IDEOLOGIES OR INSTANCES OF RACIAL HATRED OR DISCRIMINATION, INCLUDING
2 SLAVERY, INDIAN REMOVAL, THE HOLOCAUST AND JAPANESE-AMERICAN INTERNMENT.
3 H. INSTRUCTION THAT VIOLATES SUBSECTION A OF THIS SECTION
4 CONSTITUTES A SINGLE VIOLATION IF IT RESULTS FROM A SINGLE ACT OR SERIES
5 OF RELATED ACTS.
6 I. FOR THE PURPOSES OF THIS SECTION:
7 1. "EMPLOYEE" MEANS AN EMPLOYEE OF A PUBLIC SCHOOL, SCHOOL DISTRICT
8 OR STATE AGENCY WHO IS ACTING IN THE COURSE OF THE EMPLOYEE'S OFFICIAL
9 DUTIES.
10 2. "INSTRUCTION" INCLUDES ANY OF THE FOLLOWING:
11 (a) EDUCATIONAL ACTIVITIES.
12 (b) TRAINING.
13 (c) INSTRUCTION THAT IS PART OF A TEACHER PREPARATION PROGRAM,
14 CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.
15 3. "STATE AGENCY" MEANS A STATE AGENCY THAT IS INVOLVED WITH
16 STUDENTS OR TEACHERS OF PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF
17 GRADES ONE THROUGH TWELVE.